

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GARY D. WOODS,)
v.)
Plaintiff,)
CAROLYN W. COLVIN, Acting)
Commissioner of the Social Security)
Administration,)
Defendant.)

ORDER

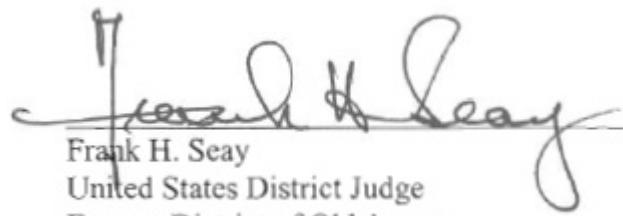
On August 15, 2016, the United States Magistrate Judge for this District filed a Report and Recommendation in this case suggesting this court affirm the decision of the ALJ. On August 29, 2016, Plaintiff filed an Objection to the report arguing the ALJ did not consider the combined effects of all Plaintiff's impairments, both severe and non-severe, on Plaintiff's ability to work on a full-time basis. Plaintiff also argues that it was improper for the ALJ to base its decision on the RFC solely on the findings of non-examining State agent evaluators. Plaintiff argued those findings do not represent substantial evidence and may not solely serve as the basis of a decision's RFC. Plaintiff further argues that the ALJ did not present a proper credibility determination supported by reasoning and consideration of the record. Finally, Plaintiff argues the jobs identified by the decision at step five are not based on substantial evidence. On September 8, 2016, the Defendant filed a Reply arguing the decision of the ALJ was properly supported with substantial evidence and applied the correct legal standards and should be affirmed.

The court has reviewed the Objection and the Reply. The court overrules the Objection. The Report and Recommendation found the decision by the defendant should be **AFFIRMED**. This Court finds the Report and Recommendation of the Magistrate Judge applied the proper standards and documents numerous references to the record

which support the recommendation of the Magistrate Judge that the Commissioner's decision be sustained.

Upon consideration of the entire record and the issues herein, this Court finds and orders that the Report and Recommendation of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and Order.

IT IS SO ORDERED this 21st day of September, 2016.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma